

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

**VICTOR MARTINEZ,**

**Plaintiff,**

**v.**

**UMASS CORRECTIONAL HEALTH  
CARE, et al.,**

**Defendants.**

---

**Civil Action No.  
14-12707-FDS**

**MEMORANDUM AND ORDER**

**SAYLOR, D.J.**

Plaintiff Victor Martinez originally filed a joint complaint that was part of a multi-plaintiff civil rights action. *See Stote, et al. v. UMass Correctional Health Care, et al.*, C.A. No. 13-10267-NMG (the “2013 action”). The 2013 action was initiated by MCI Norfolk inmate John E. Stote, and alleged inadequate medical care at MCI Norfolk. On June 25, 2014, the judge assigned to the 2013 action severed the individual prisoner claims into separate cases. *See* No. 13-10267-NMG, Memorandum and Order of June 25, 2014 (the “June Order”).

The June Order directed each plaintiff who wished to prosecute his own claims to either (1) pay the \$400 filing fee or (2) file an application to proceed in district court without prepaying fees or costs within sixty days. The June Order also warned that failure to pay the fee or seek leave to proceed without prepayment of the fee may result in dismissal of the individual action without prejudice. *Id.*

Pursuant to the directives of the June Order, the Clerk opened a new case for plaintiff. A copy of the June Order was mailed to Martinez on June 30, 2014. However, Martinez was released to the Boston Pre-Release Center. By Procedural Order dated October 3, 2014, Martinez

was granted until October 24, 2014, to either pay the filing fee for this action or file a motion to proceed *in forma pauperis*. A copy of the Procedural Order was mailed to Martinez at the Boston Pre-Release Center with a blank motion to proceed *in forma pauperis*.

Plaintiff has not responded to the Court's Procedural Order and the time to do so has expired. The documents sent to him were not returned to the Court as undeliverable and a search of the on-line Victim Information & Notification Everyday (VineLink) homepage reveals that he is still at the Boston Pre-Release Center. *See* VineLink Offender Locator, <http://www.vinelink.com> (last visited Nov. 3, 2014).

ACCORDINGLY, it is ORDERED that this action is DISMISSED without prejudice and without assessment of the filing fee.

**So Ordered.**

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

Dated: November 5, 2014